

THE RESTRICTION REQUIREMENT

The Examiner has made a restriction requirement, identifying allegedly separate and distinct inventions and grouping them as follows.

Group I, claims 7-13 and 19-25, drawn to a signal transmission tube.

Group II, claims 1-6 and 14-18, drawn to a method of making a signal transmission tube.

ELECTION AND REMARKS/ARGUMENTS

Election

Applicants elect with traverse to prosecute in this application product claims 7 to 13 and 19 to 25, identified as Group I by the Examiner.

Remarks/Arguments

As set forth in paragraph 3 of the Detailed Action, the Examiner contends that the special technical feature of the Group II invention is that the confinement tube is extruded over an elongate rod, which rod is not present in the Group I invention.

This statement is respectfully traversed. Save for dependent claim 6, none of the method claims (Group II) contain the feature of extruding the confinement tube over an elongate rod. The Examiner's rationale for the restriction requirement clearly does not apply at least to method claims 1-5 and 14-18.

Further, PCT Rule 13.1 is, if anything, more liberal than the corresponding U.S. rules for determination of whether claimed inventions are separate and distinct. (37 CFR 1.141 - 37 CFR 1.146). But even applying the U.S. standard, the method of claim 1 can result only in the product defined in claim 7, and the product of claim 7 can only be made by the method of claim 1. Similarly, the method of claim 14 can result only in the product of claim 19, and only the product of claim 19 can be produced by the method of claim 14.

In view of the foregoing, it is respectfully requested that the restriction requirement be withdrawn or at least modified to permit examination of all the product claims and at least method claims 1-5 and 14-18 in this application.

Respectfully submitted,

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